

MS PCT
PATENT
3606-0117P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Dario CARDINI et al. Conf.: 2168
Int'l. Appl. No.: PCT/IT99/00380
Appl. No. 09/830,824 Group: 2661
Filed: May 1, 2001 Examiner: UNKNOWN
For: METHOD AND DEVICE FOR THE WFQ
STATISTICAL MULTIPLEXING OF ATM
FLOWS

L E T T E R**MS PCT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 24, 2004

Sir:

In response to the Notification of Defective Response mailed March 11, 2004, Applicant wishes to advise the United States Patent and Trademark Office that a Declaration was filed on June 28, 2001, to perfect Applicant's filing requirements, which Declaration was in compliance with 37 C.F.R. § 1.497(a) and (b) and fully identified the international application number and international filing date.

The filing requirements were perfected in response to the Notification of Missing Requirements (371 Formalities Letter), a copy of which is attached hereto.

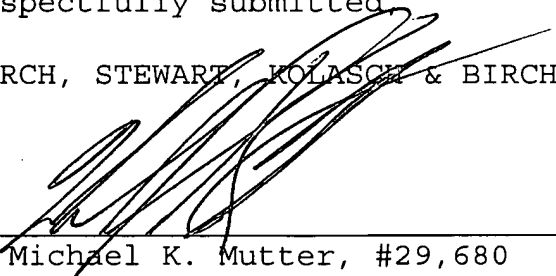
As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the Declaration and Power of Attorney, filed June 28, 2001, and a copy of the postcard indicating receipt of the Declaration by the U.S.P.T.O.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Michael K. Mutter, #29,680

MKM/slb
3606-0117P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of 371 Formalities Letter dated March 11, 2004
Copy of 371 Formalities Letter dated June 12, 2001
Copy of Postcard Receipt
Copy of Declaration and Power of Attorney,
Including cover letter



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/830,824	Dario Cardini	3606-0117P

INTERNATIONAL APPLICATION NO.

PCT/IT99/00380

I.A. FILING DATE	PRIORITY DATE
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11/23/1999

2292

BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

mm
 DOCKETED
 4-11-01
Respect

CONFIRMATION NO. 2168

371 FORMALITIES LETTER



OC000000012067374

Date Mailed: 03/11/2004

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Copy of the International Application filed on 05/01/2001
- Copy of the International Search Report filed on 05/01/2001
- Copy of IPE Report filed on 05/01/2001
- U.S. Basic National Fees filed on 05/01/2001
- Priority Documents filed on 05/01/2001

Applicant's response filed 05/01/2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/12/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

KAYAL LEWIS BALTIMORE

Telephone: (703) 305-3695

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/830,824	PCT/IT99/00380	3606-0117P

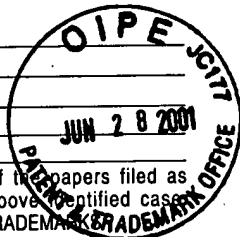
FORM PCT/DO/EO/916 (371 Formalities Notice)

Papers Filed herewith on: 6/28/01
DOCKET NO.: 3606-D117P ATTY.: MKM
APPLICANT(S): Dario Gardini et al.
APPLN. NO: 09/830,824 FILED: 5/1/01
PAT NO.: _____

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☒ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity
☐ Response _____
☐ Information Discl Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☐ FEES: _____
☐ Letter: _____
☐ Other: _____

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 8/12/01
Handcarry: _____

DOCKET NO. 3606-D117P



BOX PCT
PATENT
3606-0117

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Dario CARDINI et al.
INTERNATIONAL APPL. NO.: PCT/IT99/00380
APPL. NO.: 09/830,824
Conf.:
FILED: May 1, 2001
FOR: METHOD AND DEVICE FOR THE WFQ
STATISTICAL MULTIPLEXING OF
ATM FLAWS

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

BOX PCT
Assistant Commissioner for Patents
Washington, DC 20231

June 28, 2001

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- ☒ Executed Declaration and Power of Attorney.
- ☒ Original ☐ Photocopy
- ☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on May 1, 2001, including any amendments thereto (if applicable) filed on even date

therewith.

☒ The undersigned hereby declares that "Attorney Docket No. 3606-0117" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 09/830,824 filed May 1, 2001 entitled "METHOD AND DEVICE FOR THE WFQ STATISTICAL MULTIPLEXING OF ATM FLAWS."

☐ English language specification, claims, and Abstract with () sheets of drawings.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

☒ Attached is a copy of Form PCT/DO/EO/905.

☐ _____

☐ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

☐ Applicant(s) hereby respectfully petitions for () month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

Appl. No. 09/830,824

The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on May 1, 2001.

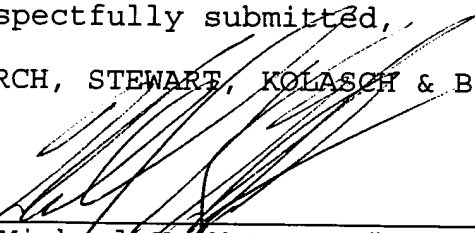
- ☒ Submitted concurrently herewith **under separate cover** for recording is an Assignment.
- ☐ A check in the amount of \$0.00 to cover the above-mentioned fees is enclosed.
- ☐ A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Michael K. Mutter, #29,680

MKM/abs
3606-0117

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments

(Rev. 01/22/01)



UNITED STATES PATENT AND TRADEMARK OFFICE

09/830824

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO. 09/830,824 FIRST NAMED APPLICANT CARDINI ATTY. DOCKET NO. 3686-0117P

002292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

5611

INTERNATIONAL APPLICATION NO.

PCT/IT99/00380

I.A. FILING DATE

PRIORITY DATE

11/23/99

11/25/98

Docketed

8-12-01 DATE MAILED: 06/12/01

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
☒ Copy of the international application. ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
☐ Copy of Article 19 amendments. ☐ Other:
☒ Priority Document.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the international application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875

- ☐ Notice of Defective Translation
☐ PCT/DO/EO/920

Kara Cassano

National Stage Process

(731) 305-2695

FORM PCT/DO/EO/905 (March 2001)

Telephone: